

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

FILED
IN CLERKS OFFICE

JUL 8 2004 P 1:26

U.S. DISTRICT COURT
DISTRICT OF MASS.

**HENRY J. GRAVES HRG ASSOCIATED
ALLIANCE REAL ESTATE SCHOOLS,
INC.**

Plaintiffs,

V.

**DAERYL D. MALDEN LAW OFFICE, LP,
et al.**

Defendants.

C.A. No. 04-10634-MEL

MOTION TO DISMISS COMPLAINT

The defendant, Commonwealth of Massachusetts, ("Commonwealth"), moves to dismiss the plaintiffs' complaint for failure to state a claim upon which relief may be granted.¹ The complaint is so utterly unintelligible and incoherent that it does not state a claim and should be dismissed. The plaintiffs identify no action by the Commonwealth in the complaint that would give rise to a cause of action. The complaint further fails to enunciate any relief to which the plaintiffs claim entitlement. Finally, the plaintiffs do not articulate a cause of action to be tried.

FOR THESE REASONS, the Commonwealth respectfully requests dismissal of the complaint.

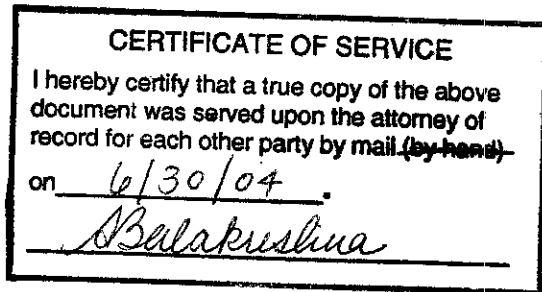
¹As required by Rule 7.1(A)(2), the Commonwealth has attempted to confer with the plaintiff, Henry J. Graves, concerning the filing of a dispositive motion. The plaintiff has not responded the correspondence sent in service of the attempt to confer. See letter to Henry J. Graves from Annapurna Balakrishna, Assistant Attorney General, dated June 14, 2004, attached hereto as Exhibit A.

Respectfully submitted,

COMMONWEALTH OF MASSACHUSETTS,

By its attorney,

THOMAS F. REILLY
ATTORNEY GENERAL



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Dated: June 30, 2004